
Appeal Decision

Site visit made on 18 May 2021

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 17 June 2021

Appeal Ref: APP/D3830/W/20/3270594

Land at Little Park Farm, Marchants Close, Hurstepierpoint, Hassocks

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs John and Lauren Houlton against the decision of Mid Sussex District Council.
 - The application Ref: DM/19/4153 dated 30 September 2019, was refused by notice dated 6 January 2020.
 - The development proposed is removal of an existing barn, mobile home and other outbuildings; construction of 3 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. No site address was given on the application forms; only easting and northing references. I have therefore used the address set out on the Council's decision notice.

Main Issues

3. The main issues in this appeal are:
 - a) the effect of the proposal on the character and appearance of the local area, and
 - b) The effect of the proposal on the setting of the Grade II* listed building, Little Park Farm.

Reasons

Issue a) Character and Appearance

4. The appeal site is approached via a narrow private track leading off the end of Marchants Close, a residential road. The track serves an existing property and then leads into open land comprising a mobile home, a single storey brick barn and a larger Dutch Barn which at the time of the site visit was used for the storage of farm vehicles. The rest of the site is mainly unmade, rough open land with a small number of vehicles and other scattered small scale structures. The appeal site lies to the north east of a designated heritage asset, a Grade II* listed building, Little Park Farm.

5. The proposal would remove all the existing structures and replace with three detached dwellings, a three bed, chalet style property approximately over the siting of the brick building; a two bedroom chalet style building over the footprint of the Dutch Barn and a five bedroom, two storey house with detached garage further to the east.
6. In planning terms, the site is outside of the built up area boundary for Hurstpierpoint and in the countryside. Whilst there is existing and new development in the vicinity of the site, the rural edge character and appearance of the area reflects its countryside designation, including the access via the unmade track and the open land to the north and east, as well as the general undeveloped nature of the site except for the few structures existing.
7. The National Planning Policy Framework (Framework) confirms that planning should recognise the intrinsic character and beauty of the countryside, and this is also reflected in Policy DP12 of the Mid Sussex District Plan (District Plan) and Policy HurstC1 of the Hurstpierpoint and Sayers Common Neighbourhood Plan (Neighbourhood Plan). The proposal would not meet any of the varied policy reasons for allowing development in the countryside as set out under Policies DP12 and DP15 of the District Plan and Policy HurstC1 of the Neighbourhood Plan.
8. Policy DP6 of the District Plan does allow for development outside defined built-up area boundaries, subject to a number of criteria, including that *the development is demonstrated to be sustainable, including by reference to the settlement hierarchy* and that *the site is contiguous with an existing built up area of the settlement*. Although the site would be generally accessible to the facilities and services within Hurstpierpoint, defined as a Larger Village (Category 2), I do not agree with the Appellants' contention that the site is contiguous with the development boundary. The access track to the site leads off Marchants Close, which is shown to be within the built up area boundary, but the site itself is some distance away. The access track would also appear 'to touch' at one point one of the Neighbourhood Plan allocations (H2(4)) but again the site where the development would be sited is not contiguous but within the countryside and surrounded by an allocation for countryside public open space.
9. The Appellants have also contended that the proposal would effectively be an infill development. However, there would appear to be no policy or indeed physical justification for considering the proposal in this way.
10. I have taken into account the existing buildings and structures on the site that would be removed. However, these are predominantly small scale and the larger structure, the Dutch Barn is semi-open in appearance and befitting in its appearance and function to its rural location. Whilst the existing site has a somewhat unkempt appearance, the overall site remains relatively open and I do not consider that its development into three large plots with individual houses with gardens would complement the rural edge and rural setting. It would introduce a suburban form of development unrelated to its surrounding context.
11. I have also had regard to the planning history, including that there is a lawful development certificate to site a caravan for domestic use under the Council's reference 14/00745/LDE and that prior approval was granted for the change of

use of the Dutch Barn to 4 dwelling houses and associated operational development in 2019 under the Council's reference DM/19/2344.

12. There is therefore the potential for 5 dwellings on this land whereas the current proposal before me would be for a total of 3. I have limited information before me regarding the prior approval scheme. However, given the siting of the existing buildings, it is my understanding that the spread of development would be considerably greater with the proposal before me than in terms of the development for which permissions and approvals exist.
13. Furthermore, I do not agree with the Appellants that the siting of the new houses as well as their layout and design would bear resemblance to a cluster of converted agricultural buildings. Whilst I have noted the choice of materials, the design of the buildings would be suburban in form and appearance and their siting would relate poorly to each other as well as to their rural context.
14. I therefore conclude that the proposed development would not respect but would materially harm the character and appearance of the site and local area. It would conflict with Policies DP12 and DP15 of the District Plan, Policies HurstC1 and Hurst8 of the Neighbourhood Plan and the Framework, all of which seek to protect the intrinsic character and beauty of the countryside and respect the local context.

Issue b) Setting of Listed Building

15. In considering whether to grant planning permission for development which affects a listed building or its setting, Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have *special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*.
16. Little Park Farmhouse is a Grade II* listed building dating from the early to mid 17C. The significance includes both architectural and historical values; a very attractive example of a relatively high-status farmhouse dating from the early to mid 17C. Although there has been a variety of surrounding development introduced over time, including the conversion of former farm buildings to residential dwellings to the north west, the significance of the designated heritage asset is in part evidenced by the remaining fishponds and open land beyond its grounds. I therefore agree with the Council that the largely open and rural edge nature of the appeal site and surrounding rural land to the north and east makes a positive contribution to the setting of the former farmhouse.
17. In comparison, the proposed development would be more suburban in appearance and would further surround the listed building with built development. The proposal would therefore intrude harmfully on the existing setting, which contributes to the significance of the designated heritage asset and in particular the way that the significance is evidenced and appreciated.
18. The Appellants have emphasised the existing and proposed screening around the appeal site. First, it is not clear to me that this would be effective all year round and would be a satisfactory means to seek to overcome the harm to the setting from the introduction and spread of the proposed development. Similarly, the fallback positions do not affect my conclusions, for the same reasons I set out under my first main issue, with particular reference to the spread of built development in a suburban form and the consequent erosion of

the rural setting in this area. I have noted that the top of the Dutch Barn can be seen from the listed building and its grounds, and although much later in construction, the sight of the Dutch Barn is an evidential reminder of the historic use of the land and connections with the site. I have no detailed information before me regarding the proposals for the residential reuse of the barn to be able to comment further in this regard.

19. For all these reasons, I therefore conclude that the proposed development would not preserve the setting of the designated heritage asset of the Grade II* listed building. This would conflict with Policy DP34 of the District Plan and the Framework in so far as they seek, amongst other things to protect and preserve listed buildings and their setting.
20. Paragraph 193 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation.
21. I would quantify the extent of this harm as being less than substantial when considered in the context of paragraphs 195 and 196 of the Framework. Where the harm is so quantified, the harm needs to be balanced against any public benefits the development might bring, and I turn to consider these below.

Planning Balance and Conclusion

22. I agree with the Appellants that the fact that the Council can demonstrate a 5 year housing land supply does not automatically preclude further sustainable development. The Council has also taken into account the potential benefits of three additional dwellings. In this regard, there would be some small scale social and economic benefits relating to the construction of three houses and contributions to the local economy. In such terms, though in the broad scheme of things a modest contribution, it can and should weigh modestly in favour of the proposals and can also be considered, in the context of paragraph 196 of the Framework, a public benefit.
23. I have also taken into account the proposed size of the units, the accessibility of the site to local services and facilities as well as the lack of other technical objections but these are neutral in my assessment.
24. However, although the provision of three units of residential accommodation can be considered such a benefit, and can be afforded a modest degree of weight in favour of the scheme, this benefit is significantly and demonstrably outweighed by the harm the development would cause to the character and appearance of the area and to the setting of the listed building, a designated heritage asset.
25. I have found that the proposal would conflict with the development plan when taken as a whole. There are no other considerations, including the advice of the Framework, that outweigh that conflict.
26. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that the appeal should be dismissed.

L J Evans

INSPECTOR